

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

August 10, 2006

9:38 a.m.

Reported By:

Angela Furniss Miller, RPR
Certified Reporter (AZ 50127)

Draft Copy

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1 A PUBLIC MEETING, BEFORE THE CITIZENS CLEAN
 2 ELECTIONS COMMISSION, convened at 9:38 a.m. on August
 3 10, 2006, at the State of Arizona, Clean Elections
 4 Commission, 1616 W. Adams, Conference Room, Phoenix,
 5 Arizona, in the presence of the following Board members:
 6 Ms. Marcia Busching, Phoenix, Chairperson
 7 Mr. Gary Scaramazzo, Page
 8 Ms. Ermila Jolley, Yuma
 9 Mr. Carl Kunasek, Maricopa, Teleconference
 10 Ms. Royann J. Parker, Pima
 11 OTHERS PRESENT:
 12 Mr. Todd Lang, Executive Director
 13 Ms. Diana Varela, Assistant Attorney General
 14 Ms. Paula Ortiz, Executive Assistant
 15 Ms. Colleen McGee, Deputy Director
 16 Mr. Michael Becker, Voter Education Manager
 17 Mr. Daniel Ruiz II, Campaign Finance Manager
 18 Mr. Eric Peterson, Administrative Counsel
 19 Ms. Christina Murphy, Fiscal Services Manager
 20 Mr. Eric Ehst, Clean Elections Institute
 21 Ms. Nancy Read, Secretary of State's Office
 22 Mr. Andy Gordon, Attorney for Janet Napolitano
 23 Mr. Christian Palmer, Arizona Capitol Times
 24 Mr. Garriek Taylor, AZ GOP
 25 Mr. Chris Trendler, AZ GOP
 Ms. Jan Brewer, Secretary of State
 Mr. Paul Davenport, Associated Press
 Mr. Paul Peterson, Off Madison Avenue
 Mr. Eric Kardesh, Off Madison Avenue
 Mr. David Maddox, Attorney for Len Munsil
 Mr. Lee Munsil, Len Munsil Campaign
 Ms. Jan van Amerongen, Citizen
 Ms. Lauren Lowe, Perkins Coie Brown & Bain
 Mr. Shane Cory, Harris for Governor
 Mr. Mike Harris, Candidate for Governor
 Mr. Howie Fischer, East Valley Tribune
 Mr. Jared Serbu, KFYI

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1 P R O C E E D I N G
 2
 3 CHAIRPERSON BUSCHING: Good morning, everyone.
 4 I'm Marcia Busching, Chairman of the Citizens Clean
 5 Elections Commission. I'm here to give notice of the
 6 public meeting and possible executive session of the
 7 Citizens Clean Elections Commission.
 8 The location is 1616 West Adams, Suite 110,
 9 Phoenix, Arizona 85007.
 10 Today is Thursday, August 10th. It's
 11 approximately 9:38 a.m.
 12 I want to give notice that the Commission may
 13 vote to go into executive session which will not be open
 14 to the public for any item listed on the agenda for
 15 obtaining legal advice. All matters on the agenda may
 16 be discussed, considered, and are subject to action by
 17 the Commission.
 18 The first item is call to order, which I've
 19 already done.
 20 The second item is approval of July 27th, 2006
 21 Commission meeting minutes. Are there additions or
 22 corrections?
 23 COMMISSIONER PARKER: I move we accept the
 24 minutes.
 25 CHAIRPERSON BUSCHING: I do have one correction

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1 and that is on page five at line seven it refers to me
 2 talking, and, in fact, I think that was Mr. Lang that
 3 was speaking and I think that's been confirmed.
 4 MR. LANG: That's correct, Madame Chair.
 5 CHAIRPERSON BUSCHING: Okay. So with that, I
 6 will accept your motion.
 7 COMMISSIONER PARKER: Okay.
 8 CHAIRPERSON BUSCHING: Is there a second?
 9 COMMISSIONER SCARAMAZZO: I'll second.
 10 CHAIRPERSON BUSCHING: Okay. It's been moved
 11 by Commissioner Parker and seconded by Commissioner
 12 Scaramazzo that we accept the July 27th minutes as
 13 corrected. All in favor say, "aye."
 14 (Chorus of ayes.)
 15 CHAIRPERSON BUSCHING: Opposed, nay?
 16 Chair votes aye. Motion carries.
 17 I note for the record that Commissioner Kunasek
 18 is appearing by telephone conference and all other
 19 Commissioners are present.
 20 Item III, Executive Director's report. Mr.
 21 Lang?
 22 MR. LANG: Thank you, Madame Chair. Good
 23 morning, Commissioners. Good morning, Commissioner
 24 Kunasek.
 25 COMMISSIONER KUNASEK: Good morning.

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1 MR. LANG: You have my report before you.
 2 There's a few updates but I would point out a few
 3 things.
 4 First of all, let's get the word out, August
 5 24th is the deadline for the candidates' statements for
 6 the next -- for the general election pamphlet. I'm
 7 pleased to report that we've had a few submissions
 8 already, including a couple of contested candidates. So
 9 they're quite confident and they're already submitting
 10 their general election statement, which is great. We'd
 11 love it if everyone did that.
 12 We're finished with the primary debates, of
 13 course. They're all available on the Website. We've
 14 heard wonderful feedback. People are thrilled with
 15 this, so kudos to the Commission for -- for coming up
 16 with that idea. We are working on ways to make it
 17 better. We're hearing lots of suggestions like more
 18 focusing in on each candidate as they speak, and others
 19 want, no, we want to pan out because we want to see the
 20 reactions. And then we're considering other ideas
 21 there. Mike will speak about that more in depth later.
 22 And then finally, regarding -- that's it
 23 regarding the debates.
 24 I also want to thank our law clerk Jake
 25 Schuler. He did a great job. He's not here. He's

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1 heading back to U of A Law School, where he starts his
2 final year starting on Monday and he did a great job.

3 You see the participating issue numbers,
4 they're about the same. And the -- you see the other
5 information.

6 Again, the debate videos are on the Website and
7 Mike Becker will talk to you more in detail about what
8 he's up to regarding voter education.

9 We have some new enforcement matters. We
10 received a new complaint this week that was
11 noncompliant, it wasn't properly notarized so we sent
12 that back and we anticipate that that one won't be
13 refiled. And then you see the others before you.

14 I would mention that -- I guess I'll wait.
15 Diana Varela is going to talk to you about this. The
16 Murphy hearing was rescheduled for October 2nd. In your
17 report it still has the old date.

18 And I also want to mention -- and I distributed
19 this around -- this is an advertisement endorsing some
20 candidates in District 8. And the nice thing about it
21 is that the group which is Health Care Professionals For
22 Quality Health Care have apparently properly reported
23 the expenditures, the independent expenditure. As you
24 know, sometimes these groups don't want to cooperate.
25 This group was on the up and up and we will be issuing

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1 matching funds in that case.

2 And I just wanted you to see what an
3 independent expenditure looked like. These candidates
4 who are being endorsed have nothing to do with this
5 communication, but this group felt that they wanted to
6 endorse them so they did so. So their participating
7 opponents will receive matching funds for the price of
8 this expenditure. Because they reported properly, we
9 will be able to determine that amount without any
10 trouble.

11 If there's no other questions, that concludes
12 my report.

13 CHAIRPERSON BUSCHING: Commissioner Kunasek.

14 COMMISSIONER KUNASEK: I do have a question.
15 It might more appropriately go to Mike Becker. This is
16 Carl.

17 My question is prompted in view of the fact
18 Agenda Item VII in the packet was included which
19 contains some rather patriotic letters concerning the
20 publication of the orders guide in Spanish.

21 CHAIRPERSON BUSCHING: Why don't we handle that
22 in Item VII because I think there will be a number of
23 comments; if that's okay with you, Commissioner?

24 COMMISSIONER KUNASEK: That's fine. Fine. I
25 will take it up in VII.

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1 CHAIRPERSON BUSCHING: Yeah. Yeah. That was
2 the intent.

3 COMMISSIONER KUNASEK: All right. Thank you.

4 CHAIRPERSON BUSCHING: Any other questions of
5 Executive Director Lang?

6 If not, we'll move to Item IV, consideration
7 and possible approval of final audit report in MUR
8 06-0001, Janet Napolitano.

9 Mr. Lang?

10 MR. LANG: Thank you, Madame Chair. You have
11 before you the final audit report which is substantially
12 similar to the report prepared at the last meeting. You
13 will see that Attorney Andy Gordon on behalf of the
14 Napolitano Campaign raised a couple of issues. I think
15 he and I -- I think he and the Commission can agree that
16 when you're making a determination of fair market value,
17 and not -- in other words, making a determination of
18 reasonableness, as opposed to whether this was exactly
19 on the penny, his concerns don't affect this evaluation.
20 But I appreciate him raising those concerns and we've
21 taken those into account.

22 You have before you the complete report. It's
23 in the -- purple, I guess --

24 COMMISSIONER SCARAMAZZO: Maroon.

25 MR. LANG: -- maroon document. I only have,

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1 like, six colors.

2 So you have the complete report including
3 the expenditure listings that were requested by
4 Commissioner Parker. And so I think we have a complete
5 report. And so I would ask that the Commission approve
6 it --

7 CHAIRPERSON BUSCHING: Okay.

8 MR. LANG: -- so that we can proceed to a
9 consideration of the merits down the road.

10 CHAIRPERSON BUSCHING: Are there any questions
11 of Mr. Lang?

12 If not, are there any members of the public
13 that wish to speak to this matter?

14 If not, the Chair will entertain either
15 discussion or a motion.

16 COMMISSIONER KUNASEK: Madame Chair, I --
17 having gone through Mr. -- I think it's Murphy's
18 letter -- Gordon. Gordon -- I considered also the
19 issues that he rose to be, although they're significant,
20 there's not very much significance because of the
21 amounts.

22 And so I would, without any further discussion,
23 move to give final approval or give approval of the
24 final audit on MUR 06-0001.

25 COMMISSIONER SCARAMAZZO: Second that.

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1 CHAIRPERSON BUSCHING: It's been moved by
2 Commissioner Kunasek and seconded by Commissioner
3 Scaramazzo that we approve the final audit report in MUR
4 06-0001. Any further discussion?

5 If not, the Chair will call for the question,
6 all in favor say, "aye."
7 (Chorus of ayes.)

8 CHAIRPERSON BUSCHING: Opposed, nay?

9 Chair votes aye. Motion carries.

10 Item V, consideration and decision whether
11 there is reason to believe a violation occurred in MUR
12 06-0005, complaint against Len Munsil.

13 MR. LANG: Thank you, Madame Chair and
14 Commissioners. You have -- this is the first step. You
15 have before you a new complaint filed by the Democratic
16 Party alleging a number of violations but they center
17 primary around the work done by two consultants Sproul
18 and Associates and the VBP Group on behalf of the Munsil
19 Campaign.

20 As you can see, fairly significant amounts were
21 paid to these folks early in the campaign. Then in
22 April, those -- those amounts were significantly
23 curtailed or cut off altogether in the case of the VBP
24 Group and then in May they resumed. So the Democratic
25 Party raised a concern that these folks were providing

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1 in-kind contributions of some sort.

2 And so you see my statement of reasons. I've
3 certainly reviewed the response provided by the Munsil
4 Campaign, and I certainly appreciate that, and -- but I
5 think that we need more information. So my
6 recommendation is that we do an investigation in order
7 to determine exactly the nature of the relationship
8 between these two consultants and the campaign, what
9 their understanding was when they became either
10 volunteers or quit working, and then what their
11 understanding was in regard to salary when they
12 returned.

13 So I would like the Commission to permit staff
14 to investigate this by meeting with both the campaign
15 and the consultants in order to make a better evaluation
16 of what's happening here.

17 CHAIRPERSON BUSCHING: Okay. Other questions
18 of Mr. Lang?

19 COMMISSIONER JOLLEY: I have a question.

20 CHAIRPERSON BUSCHING: Commissioner Jolley?

21 COMMISSIONER JOLLEY: Todd, according to this
22 it was volunteer work. It wouldn't have to be
23 considered in-kind contribution, would it?

24 MR. LANG: Generally speaking, that's true,
25 Commissioner. Anybody can volunteer. I could

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1 volunteer. Anybody in this room can volunteer. And if
2 you happen to have professional skills, that's fine.
3 The law does provide for two particular areas where you
4 can do it for money. That's if you're an attorney or an
5 accountant working on behalf of a campaign in order to
6 defend an enforcement action. Otherwise, if you
7 volunteer has to non-pay.

8 So the issue here is, what happens when you
9 have paid consultants suddenly volunteering? The FEC
10 has regulations on this. Staff looked into this and
11 they have numerous regulations on this that permit
12 volunteer work in certain cases. But they do have quite
13 a requirement, because obviously you have a problem
14 here. You have folks who are in the business of making
15 money, who are charging money, who are then suddenly
16 doing it for free, often coincidentally when the
17 campaign is out of money. So that raises concerns.
18 That's why we want to look into it.

19 Also we want to understand the relationships
20 and the understandings that were made. You know, was it
21 purely volunteer work, or were they going to be paid
22 more later, or was this -- we don't know. And we're not
23 accusing anyone of wrongdoing and we're not absolving
24 anyone. What we're saying is we want to look into it
25 and find out. Further information. We're not in a

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1 position however to make a fair recommendation to the
2 Commission.

3 COMMISSIONER JOLLEY: Thank you.

4 CHAIRPERSON BUSCHING: Any other questions of
5 Mr. Lang?

6 If not, is there anyone from the public that
7 wishes to speak to this matter?

8 MR. MADDOX: Yes, ma'am.

9 CHAIRPERSON BUSCHING: Sir, come forward and
10 state your name, please.

11 MR. MADDOX: I'm David Maddox and I'm an
12 attorney working for nothing, but -- for the Len Munsil
13 Campaign. I guess some would say I'm being paid what
14 I'm worth, right?

15 This is my second opportunity to come before
16 this group. And at the last opportunity, my closing
17 comments were that I would imagine I would see you
18 several times in the future. And, unfortunately, here I
19 am.

20 I would like to direct your attention to the
21 response and to how it was filed and to the depth of it
22 in terms of making your evaluation. My concerns are not
23 that you're going to find something wrong if you do an
24 evaluation, but we tried as hard as we could to give you
25 everything you needed to make that determination at the

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1 beginning.

2 The little handout that you gave, I can just
3 see it now in the Arizona Republic tomorrow:
4 "Falsification of expenditures to consultants, possible
5 in-kind from consultants." And it says that, you know,
6 "Reason to believe a violation may have occurred."

7 That's pretty serious. And as we had done last
8 time -- since I did the investigation, I mean, I wrote
9 the letter, I had everybody in the same place on the
10 same phone line going through everything, asked all the
11 questions you did, and tried to put in the letter very
12 clearly the answers to those questions. I then had them
13 each provided to you -- and you should have that in your
14 file -- sworn verifications that everything in here
15 about their activities were truthful.

16 So if, indeed, there was a violation, then you
17 have, you know, the consultants, the candidate, and the
18 treasurer, I guess, for perjury because all of them have
19 sworn to what the facts were.

20 If you look at the letter in answer to the
21 questions that have just been raised, what they've said
22 under oath is as April approached it became clear that
23 funds were not going to be available. Sproul and
24 Associates and the VBP Group were advised of that fact.
25 The Munsil Committee made it clear to both the

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1 consultants that the law required that the Committee --
2 I'm sorry, required the Committee to not promise to pay
3 funds and that they were not available -- that were not
4 available, and there could be no commitment to future
5 payment based on possibility of Clean Elections funding.

6 And it went on to be the VBP Group was told
7 that the Committee cannot pay anything for April, that
8 VBP was released to any commitment to the Committee, and
9 work performed by Vernon Parker would be considered
10 volunteer work.

11 Similarly, Sproul and Associates was told not
12 to perform any additional work beyond the minimal amount
13 paid for in April with funds available based on agreed
14 fair market value for the services rendered, effecting a
15 mutual termination of an agreement. The letter says
16 they had a written agreement and it could terminated at
17 any point in time.

18 Now, I don't know what else a person in my
19 place trying to respond to you can do than present you
20 with the facts and then have them in verified form so we
21 don't go through this exercise. And, frankly, again, my
22 only concern is suffering the political ramifications of
23 somebody making a finding that there's a reason to
24 believe a violation occurred.

25 Under oath these people have said they didn't

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1 do any of these things. You have their financial
2 reports.

3 I also put in my letter a comparison to the
4 2002 campaign of Janet Napolitano. The very same thing
5 happened, she made payments in 2001, leading up to and
6 then there was this big break, and then election money
7 comes in, and then there's a bunch of payments.

8 In effect, the evidence that you're looking at
9 supports exactly the opposite. What do you do when
10 you're running out of money? Well, the law says you
11 cannot require these people to continue to work or let
12 them continue to work. You have to stop. They stopped.
13 That's what the record reflects. That's what their
14 sworn testimony reflects, for which they will be
15 prosecuted if they lied.

16 There's just nothing else we can do to show you
17 that nothing here was done inappropriate or wrong. So,
18 I would ask you to, again with all due respect, consider
19 this is a Democratic Party allegation against a
20 Republican. It is also the same thing that this -- that
21 the Democratic candidate for governor did in 2002, and
22 there's nothing else you can do when you run out of
23 money.

24 And these people have sworn there were no
25 sidebar deals, there's no evidence of any payments,

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1 there's a sworn statement in here that they can't
2 make -- they didn't have an agreement for a later
3 payment. I just don't know what else you can do to
4 comply with the law than what has been done here.

5 So I would ask you to just consider this
6 carefully. There really isn't probable cause that a
7 violation occurred. And, again, what you have before
8 you what you're going to get if you have these private
9 meetings.

10 I will also say that as a representative of the
11 campaign, I did make a phone call up here and ask if
12 they needed anything else. We would have provided you
13 anything you want. You know, our concern again is not
14 that anything was done wrong, we don't want to suffer
15 the political consequences of being accused of something
16 we didn't do and then have to -- you know, early primary
17 voting begins today and there are political issues that
18 are involved here that are -- are problems. And we've
19 done everything we can do.

20 So, I would just ask you to very carefully
21 consider whether you really do, in light of the sworn
22 statements and in light of what the public filing shows
23 that you got right now, have evidence that there was a
24 violation here. I don't know what else you can do.

25 If you're going to find that there is evidence

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1 of a violation, I would appreciate some direction on
 2 what we can do so we can avoid this. And I thank you
 3 for your time.
 4 CHAIRPERSON BUSCHING: Thank you, sir.
 5 COMMISSIONER SCARAMAZZO: Thank you.
 6 COMMISSIONER JOLLEY: Thank you.
 7 CHAIRPERSON BUSCHING: Are there members the
 8 Commission that have any questions of Mr. Maddox?
 9 Thank you.
 10 MR. MADDOX: Thank you, ma'am.
 11 CHAIRPERSON BUSCHING: Anyone else from the
 12 public wish to speak to this matter?
 13 If not, I'll turn to discussion by the
 14 Commissioners.
 15 COMMISSIONER KUNASEK: Madame Chairman, I have
 16 I think --
 17 CHAIRPERSON BUSCHING: I'm sorry, could you
 18 repeat that, Commissioner?
 19 COMMISSIONER KUNASEK: This is Carl --
 20 CHAIRPERSON BUSCHING: Right.
 21 COMMISSIONER KUNASEK: -- concerning a comment
 22 that Mr. Maddox made, and reviewing the context of the
 23 reasons, I can understand how the press might pick up
 24 the statement in the reasons and run with it in an
 25 acusatory fashion. And I would suggest -- when it comes

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1 to a motion, I will make a motion -- that in the
 2 paragraph number two, Alleged Violation, the sentence in
 3 the middle of the paragraph that says -- and I'll read
 4 the sentence which I think could be misconstrued -- the
 5 sentence reads: "The complaint suggests a pattern in
 6 which the expenditures were reported, implied a payment
 7 plan to both of the aforementioned consultants, period."
 8 I can well understand how that sentence could
 9 be taken out of context and taken -- not even referred
 10 to the complaint, just taken right out of the context of
 11 this reason and be misconstrued by the press. That is
 12 troublesome.
 13 CHAIRPERSON BUSCHING: Mr. Kunasek, on which
 14 page are you referring?
 15 MR. LANG: It's the first page.
 16 COMMISSIONER KUNASEK: I'm referring to the
 17 State of Arizona Clean Elections Commission, MUR
 18 06-0005, Statement of Reasons of Executive Director.
 19 CHAIRPERSON BUSCHING: Right. And it was just
 20 pointed out to me under Subsection 2(a), the second
 21 paragraph.
 22 COMMISSIONER KUNASEK: Yes.
 23 CHAIRPERSON BUSCHING: Okay. Good. All right.
 24 Any further discussion?
 25 I was inclined to go along with the Executive

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1 Director before I saw these sworn statements. But
 2 having seen the sworn statements, I think this is
 3 similar to the case that we had at our last meeting
 4 where there were sworn statements and saying that, in
 5 fact, everything that was said was true. And under
 6 those circumstances I would be inclined --
 7 Well, I'd like to hear from the Executive
 8 Director and say, did you have the sworn statements when
 9 you wrote up your Reason to Believe and do they change
 10 your thinking at all?
 11 MR. LANG: Thank you, Madame Chair. I did have
 12 them. And, you know, I certainly believe them. I
 13 always, unless I have contrary evidence, I believe sworn
 14 statements.
 15 But, for me, I felt that I wanted to talk to
 16 them more and find out more information. And Mr. Maddox
 17 I'm sure is frustrated by that; because, as he said, he
 18 was willing to provide more information. And I felt we
 19 had what we needed and we needed to sit down with the
 20 consultants and find out exactly what was the
 21 understanding and what was the nature.
 22 I understand your point though. I'm just
 23 saying that I would rather be thorough. But, again, I'm
 24 not questioning anyone's veracity. I'm not making a
 25 conclusion either way. And I'm simply saying that I

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1 would like to look into it further, but it's obviously
 2 the Commission's call.
 3 CHAIRPERSON BUSCHING: Okay. Well, under the
 4 circumstances I think it's a very close call. I could
 5 certainly see going forward with an investigation, but
 6 at the same time with the sworn statements and the fact
 7 that assuming that the sworn statements are true and an
 8 investigation would not warrant anything new or
 9 different, I think that the Campaign is in compliance.
 10 So I'm inclined to not go along with the
 11 Executive Director's recommendation under these
 12 circumstances. But I'm willing to listen to everyone
 13 else.
 14 Mr. Lang?
 15 MR. LANG: Thank you, Madame Chair,
 16 Commissioners. What if we tabled this agenda item for
 17 the next meeting and I ask Mr. Maddox for the
 18 information?
 19 I mean, in other words, an informal -- rather
 20 than a formal investigation, an informal investigation.
 21 CHAIRPERSON BUSCHING: I certainly would think
 22 that would be reasonable.
 23 COMMISSIONER SCARAMAZZO: I would feel more
 24 comfortable with that. I think it's an unenviable
 25 position of the Commission to be in a primary election

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1 season where things are being bandied back and forth,
 2 and I don't want the Commission to be in the middle of
 3 influencing those elections if we don't have to.
 4 CHAIRPERSON BUSCHING: Any other discussion by
 5 members of the Commission?
 6 Commissioner Parker?
 7 COMMISSIONER PARKER: I kind of have a problem
 8 prolonging it, just because he stated he's given them
 9 everything and hasn't been asked for more until this
 10 point. It's kind of like, you know, why keep them in
 11 suspense in a sense, you know. I tend to agree with
 12 you, and just saying that there's really no reason for
 13 further investigation.
 14 CHAIRPERSON BUSCHING: Okay. Other discussion?
 15 Commissioner Jolley?
 16 COMMISSIONER JOLLEY: I'm just having a problem
 17 with the in-kind contribution and then becoming paid
 18 again. I mean, at what point do you -- are you no
 19 longer in-kind? I mean. You're in-kind and then you
 20 get subsidized later on for expenses?
 21 MR. LANG: May I address that?
 22 CHAIRPERSON BUSCHING: Sure.
 23 MR. LANG: Thank you, Madame Chair,
 24 Commissioner Jolley. Their statements indicate it's not
 25 an in-kind contribution, that in fact it's volunteer

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1 CHAIRPERSON BUSCHING: It's been moved by
 2 Commissioner Parker and seconded by Commissioner Kunasek
 3 that the Commission find no reason to believe that a
 4 violation has occurred in MUR 06-0005.
 5 All in favor say, "aye."
 6 COMMISSIONER PARKER: Aye.
 7 COMMISSIONER SCARAMAZZO: Aye.
 8 COMMISSIONER PARKER: Opposed, nay?
 9 COMMISSIONER JOLLEY: Nay.
 10 CHAIRPERSON BUSCHING: The Chair votes nay.
 11 The motion carries.
 12 Item VI on the agenda, consideration of and
 13 possible action on Ted Carpenter's request for exemption
 14 in participation in the primary election debate for
 15 State Senate District 6.
 16 Mr. Lang?
 17 MR. LANG: Thank you, Madame Chair.
 18 Commissioners, you have before you a handwritten letter
 19 from Representative Ted Carpenter that we received on
 20 the 26th. He was hospitalized on the 25th. And,
 21 unfortunately, this was within the last minute and not
 22 within our timelines that under our rules require for an
 23 excuse. But, again, I think that it's appropriate given
 24 his medical condition at that time, that the Commission
 25 grant his waiver and -- and permit him to not

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1 work. And so the only problem, of course, is when do
 2 you become paid and then volunteer and then paid.
 3 They've explained in their affidavit and in
 4 their response how they do that. And I just wanted to
 5 satisfy myself to talk to them directly and find out
 6 some specifics. But, if they're correct, it's not
 7 in-kind contribution because that will be a violation.
 8 COMMISSIONER JOLLEY: Yes, I know.
 9 MR. LANG: Because then they would have broken
 10 the law. That's one of the things that we're
 11 considering.
 12 CHAIRPERSON BUSCHING: Other discussion?
 13 If not, the Chair will entertain a
 14 motion.
 15 Commissioner Parker?
 16 COMMISSIONER PARKER: I move that we dismiss
 17 it.
 18 CHAIRPERSON BUSCHING: Find no reason to
 19 believe --
 20 COMMISSIONER PARKER: Find no reason to
 21 believe.
 22 CHAIRPERSON BUSCHING: -- to believe that a
 23 violation has occurred.
 24 Is there a second?
 25 COMMISSIONER KUNASEK: I'll second that.

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1 participate in the debate.
 2 COMMISSIONER KUNASEK: Todd, I have a question
 3 on that, is the debate already completed?
 4 MR. LANG: Yes, it was that night.
 5 COMMISSIONER KUNASEK: It was that night.
 6 MR. LANG: It was back in July.
 7 CHAIRPERSON BUSCHING: So this is a kind of
 8 after-the-fact approval?
 9 MR. LANG: That's right.
 10 COMMISSIONER KUNASEK: Okay. I'll move.
 11 MR. LANG: We didn't have an opportunity to
 12 have a Commission meeting on that short notice.
 13 COMMISSIONER KUNASEK: Yeah.
 14 CHAIRPERSON BUSCHING: Okay. Any other
 15 questions of Mr. Lang?
 16 If not, the Chair will entertain a
 17 motion.
 18 COMMISSIONER KUNASEK: I request -- or I would
 19 move that he be exempted from participating in the
 20 debate on that particular date.
 21 COMMISSIONER PARKER: I'll second that.
 22 CHAIRPERSON BUSCHING: It's been moved by
 23 Commissioner Kunasek and seconded by Commissioner Parker
 24 that we exempt Mr. Carpenter from the primary election
 25 debate. All in favor say, "aye."

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1 (Chorus of ayes.)
 2 CHAIRPERSON BUSCHING: Opposed, nay?
 3 Chair votes aye. Motion carries.
 4 Item VII, consideration of and possible action
 5 on general election candidate's statement pamphlet.
 6 Mr. Becker?
 7 MR. BECKER: Good morning, Madame Chair,
 8 Commissioners. Before you is a memo from myself and
 9 several exhibits for possible inclusion into the general
 10 election pamphlet. When the primary pamphlet went out,
 11 we had several calls regarding different changes,
 12 possible changes that were suggested to the pamphlet for
 13 the general cycle. Two of the major changes that were
 14 requested were additions of a district map into the
 15 pamphlet as well as taking a look at the back cover of
 16 the pamphlet.
 17 Right now when the pamphlet went out for the
 18 primary, the back cover was all in Spanish. Not
 19 everybody agreed to having that in Spanish. We -- in
 20 your package, we received several interesting letters
 21 from voters out there regarding the Spanish portion of
 22 the pamphlet, and so we put together a couple versions.
 23 One of the back cover that is half in Spanish, half in
 24 English, and the other that is all in English for your
 25 approval.

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1 promotions and some subtractions after the pamphlet went
 2 out.
 3 We are looking to add a little overview of what
 4 the Voting Rights Act actually is and why we have to
 5 have the pamphlet half in Spanish, so that people will
 6 maybe get a better understanding of why we're doing it
 7 instead of calling and yelling at me.
 8 Also, I want to apologize to our Chair for
 9 putting the wrong party affiliation there. I think it
 10 was just wishful thinking on my part, but that has been
 11 taken care of for you.
 12 I will be happy to answer any questions
 13 regarding this.
 14 CHAIRPERSON BUSCHING: Commissioner Parker?
 15 COMMISSIONER PARKER: On your district maps,
 16 it's really hard to read the legislative districts on
 17 here. In fact, I had to look at it about six times to
 18 find where they were. So we need to make those more
 19 visible so people can see it if it's going to be in
 20 black and white.
 21 MR. BECKER: I agree. And we're going to work
 22 on it with our printers and everybody and see if we can
 23 lighten it up and darken the district numbers
 24 themselves, so it's a little bit more legible.
 25 CHAIRPERSON BUSCHING: Other comments or

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1 As well as adding three different types of
 2 maps. I will admit that the maps aren't the best
 3 versions. Staff and I worked to try to find the best
 4 versions we could. We looked at the Independent
 5 Redistricting Commission's Website, which at this point
 6 really is the best we could find. And this is what we
 7 came up with.
 8 And we're also in the process of talking to the
 9 Land Department to see if they have anything better to
 10 see if we can work with. At this point their doing some
 11 digging, and that may or may not work for the time
 12 frame. So we're trying to do the best with that.
 13 As you can see, if you look at Exhibit C, which
 14 is the entire state, it gives a fairly good overview of
 15 what legislative districts are out there, say for the
 16 Maricopa area and the Pima area. And that's why I
 17 included the metropolitan Phoenix area as well as the
 18 Tucson area in much greater detail on the maps. Again,
 19 we are working to see if we could find better ones, but
 20 at this point this is what we have found to be usable if
 21 you will.
 22 Also, wanted to touch on a few other items.
 23 When the pamphlet did go out, unfortunately there was
 24 some small errors in there that we have already
 25 corrected. We are changing the staff as we've had some

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1 questions for Mr. Becker?
 2 COMMISSIONER KUNASEK: Well, I -- I would on
 3 the map issue albeit probably the difficulty in reading
 4 the map or the lines, is the quality of the print that
 5 was employed and perhaps even the paper it was printed
 6 on. But, nonetheless, it's a step in the right
 7 direction. It does need some improvement to be more
 8 easily read and understood by the public.
 9 With regard to the Spanish/English discussion.
 10 You mentioned the Voters Rights Act requiring it to be
 11 in Spanish. Is that a federal act and does that federal
 12 act impose that requirement on states?
 13 MR. BECKER: Commissioner Kunasek, that is a
 14 federal act and it's been my understanding that, yes, it
 15 does impose the act upon the states.
 16 COMMISSIONER KUNASEK: Do the Feds give us any
 17 money for that?
 18 MR. BECKER: Commissioner Kunasek, that I have
 19 no idea on that. I'm not aware of any federal funding
 20 for that, but I have no idea. I would have to look into
 21 that.
 22 CHAIRPERSON BUSCHING: Yes, Ms. Varela.
 23 MS. VARELA: Madame Chair, Commissioner
 24 Kunasek, this is Diana Varela. Just so to step in, just
 25 to give you sort of a very brief overview. The state of

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1 Arizona is a covered jurisdiction under the Federal
2 Voting Rights Act and has been since 1975. So every
3 change affecting voting has to get -- has to be
4 submitted to the Department of Justice for
5 pre-clearance. And also any voting materials that go
6 out to the general public have to be provided in English
7 and Spanish.

8 So, what the Commission does has to be provided
9 in English and Spanish. And then certainly what the
10 Secretary of State does, for example, ballots, early
11 ballots, publicity pamphlets, those sorts of things.

12 So it's not something new. And the Secretary
13 of State's office, our office, is well aware of the
14 requirements of the Federal Voting Rights Act.

15 To my understanding I don't think the Feds give
16 the states any money to do that. I think Secretary
17 Brewer can speak to that -- no? She's nodding her head
18 no. The state has to come up with their own money to
19 comply with the Federal Voting Rights Act. But it is
20 not optional. It has to be in Spanish and in English.
21 And I think actually in -- up on the reservations, they
22 even have to --

23 COMMISSIONER JOLLEY: That's true.

24 MS. VARELA: -- to the extent there's no
25 written language, documents and other information have

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1 to be spoken onto tapes and have to be provided in some
2 way that the people -- so that people can understand
3 them.

4 So, it's not a new requirement. I know that
5 they get a lot of complaints about it, but it's really
6 not an optional thing.

7 CHAIRPERSON BUSCHING: But the back cover,
8 whether it's in English or Spanish or half English and
9 half Spanish, is that an optional thing?

10 MS. VARELA: Well, I suppose. I suppose it
11 depends -- I don't know what the front cover looks like.
12 So, if the front cover clearly identifies -- see,
13 somebody who doesn't read English, I don't know how they
14 would know what that is. And if it's not in Spanish
15 somewhere on the cover -- I mean, I can't say what the
16 Feds are going to do in terms of actual requirements,
17 but if it's not anywhere on the front or the back in
18 Spanish, I don't know how somebody would know what this
19 is.

20 CHAIRPERSON BUSCHING: Couldn't we on the front
21 cover down at the bottom say: Spanish version begins on
22 page whatever?

23 MS. VARELA: In Spanish.

24 CHAIRPERSON BUSCHING: Yeah. Yeah. No, that's
25 what I meant.

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1 MS. VARELA: Sure. I mean, you can do whatever
2 you think is going to facilitate. You know, whether
3 it's a violation to not have it in Spanish on the back,
4 I mean, I don't know.

5 But I think because there's nothing else in
6 Spanish on the front or the back, I think it would
7 probably help to have it in both English and in Spanish
8 on the back cover since the front cover doesn't -- isn't
9 in Spanish.

10 CHAIRPERSON BUSCHING: Well, yeah. I mean, we
11 could do both English and Spanish.

12 COMMISSIONER PARKER: Put it right under there
13 in Spanish if you wanted to.

14 MR. LANG: Will we get complaints if we do
15 that?

16 MR. BECKER: Yes.

17 MS. VARELA: Probably so.

18 But anyway, but the bottom line is it
19 does need to be translated into Spanish.

20 CHAIRPERSON BUSCHING: Commissioner Jolley?

21 COMMISSIONER KUNASEK: Well, going along --
22 this is Carl Kunasek -- going along with Chairman
23 Busching's question, would it be possible for that
24 statement to state on the very cover -- front cover
25 that: If you desire this pamphlet in Spanish, please

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1 call the following number, we will send you one?

2 I think that might eliminate a lot of the
3 printing cost that go along with preparing every one
4 that's mailed out in both languages. It's about twice
5 the paper and I'm sure the printing costs are
6 commensurate.

7 Would providing a copy in Spanish satisfy the
8 Federal Voting Rights Act or has that ever been asked?

9 MS. VARELA: I'm sure it has been asked. I
10 mean, off the top of my head without researching it, I
11 would say that you could not do that because it puts a
12 burden on people who don't read English to take some
13 affirmative step to get the pamphlet, whereas people who
14 speak English just automatically get it in their mail.

15 So my recommendation to the Commission would be
16 not to do that.

17 COMMISSIONER KUNASEK: Well, I -- I'm would --
18 I guess, I'm -- I would consider an attempt anyway.

19 CHAIRPERSON BUSCHING: Commissioner Jolley?

20 COMMISSIONER JOLLEY: Well, I have a
21 suggestion. Why couldn't we just take and make this
22 halfway up the sheet, put this in the back and English
23 in the front sheet and then just turn this upside down
24 and do it in Spanish?

25 COMMISSIONER PARKER: You have to have a spot

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1 for the mailing label.
 2 COMMISSIONER JOLLEY: That's what I'm saying.
 3 Take a spot from the mailing label halfway, turn it
 4 upside down, Spanish, Spanish.
 5 CHAIRPERSON BUSCHING: I'm not sure.
 6 COMMISSIONER JOLLEY: Just a suggestion.
 7 CHAIRPERSON BUSCHING: Yeah, I'm not sure you
 8 can put a mailing label in two places though is the
 9 problem.
 10 COMMISSIONER JOLLEY: Oh, okay.
 11 COMMISSIONER PARKER: Do you put it on the
 12 Spanish side or the English side?
 13 CHAIRPERSON BUSCHING: Yeah, so --
 14 COMMISSIONER JOLLEY: Okay.
 15 COMMISSIONER PARKER: That's a good thought.
 16 CHAIRPERSON BUSCHING: Mr. Becker, are you
 17 going to also put in here links to the redistricting
 18 Website so that if people can't read the maps, then they
 19 have another place to find them?
 20 MR. BECKER: Yeah, Madame Chair, Commissioners.
 21 In the pamphlet there is an entire page devoted to all
 22 the 15 County Recorders, their Websites, their e-mails,
 23 so they can -- so that voters can find out what district
 24 they're in and contact them directly.
 25 We certainly can put the link to the

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1 Redistricting Commission in there, it's not a problem at
 2 all. So, we will certainly go ahead and put that in as
 3 well.
 4 CHAIRPERSON BUSCHING: And also could you put
 5 in here some place about how to get an early ballot and
 6 when early voting begins, early -- so that that is clear
 7 to people as well.
 8 MR. BECKER: Madame Chair, Commissioners, we've
 9 already taken steps to add information about early
 10 voting, early ballot requests. Again on the same page
 11 with the County Recorders as they're the ones allowing
 12 the Secretary of States to handle doing all that, so I
 13 don't want to step on their toes. So we are going to
 14 put information on there to contact them as well.
 15 CHAIRPERSON BUSCHING: All right. Mr. Becker,
 16 also I'm confused as to you have listed both County
 17 Recorders and County Election Officials, but it's not
 18 clear to me why both are listed. Is there information
 19 that people should know that they should get from their
 20 election official as opposed to the County Recorder and
 21 could you clarify that in there?
 22 MR. BECKER: Madame Chair, Commissioners, some
 23 counties have two separate -- have basically a wall up
 24 between their County Recorders and their election
 25 officials. Not all counties do -- not all County

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1 Recorders do both, so that's why we had that in there to
 2 allow people to call both places.
 3 What I've done to kind of rectify that
 4 situation is I've made contact with all 15 County
 5 Recorders to get specific information of who they want
 6 contacted when it comes to early ballots and when it
 7 comes to finding legislative districts so we do our best
 8 to eliminate any kind of confusion in the general
 9 election pamphlet.
 10 CHAIRPERSON BUSCHING: Okay. And the voters
 11 will be receiving a similar pamphlet from the Secretary
 12 of State as I understand?
 13 MR. BECKER: That is correct.
 14 CHAIRPERSON BUSCHING: And are you coordinating
 15 the timing of those, or trying to do them at different
 16 times, or is there nothing going on in that respect?
 17 MR. BECKER: No, we are working with the
 18 Secretary of State's office. They are two separate
 19 pieces of items and so our's will be going out at a
 20 different time than theirs, but we're trying to do our
 21 best to make sure that everybody gets it at the same
 22 time so there's not -- the information is there all at
 23 once instead of piecemealing it.
 24 CHAIRPERSON BUSCHING: Okay. And could you put
 25 in our pamphlet a reference to the fact that there's a

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1 separate pamphlet dealing with the issues -- the ballot
 2 issues?
 3 MR. BECKER: We certainly can add that. That's
 4 not a problem.
 5 CHAIRPERSON BUSCHING: Okay. Is there anyone
 6 from the public that wishes to speak to this matter?
 7 Please step forward and state your name.
 8 MS. BREWER: Thank you, Madame Chairman. I'm
 9 Jan Brewer, Secretary of State. And I'm only going --
 10 I'm going to ask your legal counsel in regards to the
 11 pamphlet.
 12 Mr. Varela, does this have to be pre-cleared by
 13 the Department of Justice? Because, as you know, they
 14 tell me 60 days. What happens with the time if you
 15 change that and send it down to DOJ and it doesn't get
 16 pre-cleared before the general elections?
 17 MS. VARELA: Actually, somebody from the
 18 Commission staff just reminded me about that. And I
 19 would have to check my files, but I think we have
 20 submitted this format to the Department of Justice.
 21 So actually that is true. Secretary Brewer has
 22 brought up an important point. This goes to your
 23 question, Commissioner Kunasek. If the Commission
 24 changes the format in any way, that needs to be
 25 submitted to the Department of Justice and there's a

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1 60-day time frame that they have to respond to that.
 2 And you can ask for expedited consideration, but I can
 3 tell you that I have a couple of those pending right now
 4 and we're about 45 days into the 60 days and still no
 5 response. And -- and they tell you that, you can
 6 request expedited consideration, but it's not
 7 necessarily guaranteed.

8 And Secretary Brewer is absolutely right and
 9 somebody pointed out to me, we have already submitted
 10 the format of the candidate statement pamphlet to DOJ,
 11 so this is the format it has to go in. If you wanted to
 12 change it, you need to resubmit it. If you submitted it
 13 in the format, Commissioner Kunasek, that you suggested,
 14 I think it might be problematic.

15 Yes, thank you, Secretary Brewer.

16 CHAIRPERSON BUSCHING: Thank you.

17 COMMISSIONER KUNASEK: To that point --

18 CHAIRPERSON BUSCHING: Commissioner Kunasek?

19 COMMISSIONER KUNASEK: -- could you phrase in
 20 there that says: Precedent to the Spanish version, that
 21 the Federal Voting Rights Act requires that the state
 22 spends the state tax payor money to print this in
 23 Spanish, and if you have a complaint please contact your
 24 U.S. Congressman or something to that effect?

25 CHAIRPERSON BUSCHING: Mr. Becker, do you want

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1 to respond to that?

2 MR. BECKER: Madame Chair, Commissioner
 3 Kunasek, we can draft up anything you would like to see
 4 in the pamphlet, and I -- I'm a little leery about
 5 putting too much information in and making our voters a
 6 little more confused than they already are. I want to
 7 make sure that they are aware of what goes on.

8 I do agree that letting them know the content
 9 of the pamphlet and is a great way to go and we
 10 certainly will draft something up and get it out there
 11 so everybody is aware and is on the same page.

12 COMMISSIONER KUNASEK: I would just like to
 13 deflect any criticism to the Commission as was evidenced
 14 in the letters you've received. And I'm sure you just
 15 provided us with only a sample of them. But these
 16 people that write the letters do not understand that.
 17 And I think it may help them understand that if you let
 18 them know why it's being done, that it wasn't the
 19 Commission that did it.

20 MR. BECKER: Commissioner Kunasek, I completely
 21 agree and we're moving forward putting something in
 22 there regarding the Voting Rights Act and as well as
 23 contacting your Congressman.

24 COMMISSIONER KUNASEK: Okay.

25 CHAIRPERSON BUSCHING: Commissioner Parker?

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1 COMMISSIONER PARKER: To that point, have we
 2 written a letter back to these people that wrote to us
 3 telling them why?

4 MR. BECKER: Commissioner Parker, some of them
 5 don't put return addresses. In fact, the majority of
 6 them don't put a return address, don't sign the letters.
 7 The ones that do have a return address and are signing
 8 them, yeah, we are responding to them explaining why we
 9 were doing it.

10 COMMISSIONER PARKER: There were some wrote to
 11 us as the Commissioners and if the Commission itself
 12 wasn't doing something, I felt maybe us as individuals
 13 needed to.

14 MR. BECKER: No, we are contacting them and
 15 letting them know.

16 CHAIRPERSON BUSCHING: With respect to the ones
 17 addressed to the Commissioners, if you can provide the
 18 Commissioners with a copy of the letter that goes out,
 19 that will be helpful.

20 MR. BECKER: Not a problem.

21 COMMISSIONER SCARAMAZZO: I think one thing
 22 that we have to keep in mind also is, I mean, that the
 23 percentage of voters in this country is so pitiful and
 24 in this state also. And if we can go ahead and recruit
 25 voters to actively get involved and participate in our

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1 electoral process, I don't think that's necessarily a
 2 bad thing. And I'm not really inclined to listen to
 3 some of this bigoted garbage that came across through
 4 here. So that's my personal opinion.

5 CHAIRPERSON BUSCHING: Okay. Any other
 6 discussion?

7 Is there a member of the public that wishes to
 8 speak?

9 MR. EHST: Yes, Madame Chair, Commissioners.
 10 My name is Eric Ehst. I'm the Executive Director of the
 11 Clean Elections Institute.

12 I just wanted to point out that the Citizens
 13 Clean Elections Act does contain some specific
 14 requirement as to the format and particularly what goes
 15 on the cover of the pamphlet that goes out to the
 16 voters. And it does also include a specific requirement
 17 that it be differentiated substantially from -- from the
 18 pamphlet that goes out from the Secretary of State's
 19 Office so the voters can tell the difference. That is
 20 required under the statute.

21 CHAIRPERSON BUSCHING: Thank you.

22 Mr. Becker, do you want the Commission to
 23 take some action on this or just get the input that
 24 you've received?

25 MR. BECKER: Madame Chair, I appreciate the

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1 input. Staff appreciates the input. The only action
 2 that would be necessary would be to add the use of the
 3 maps and move that forward. The other items that I
 4 discussed, simple spelling changes and letter changes,
 5 we're taking care of that already.
 6 CHAIRPERSON BUSCHING: Okay.
 7 Commissioner Jolley.
 8 COMMISSIONER JOLLEY: I have a question. So
 9 that would include the addition of the 1965 Voting
 10 Rights Act.
 11 MR. BECKER: Right.
 12 COMMISSIONER JOLLEY: Okay.
 13 CHAIRPERSON BUSCHING: All right. Anything
 14 else before I entertain a motion?
 15 If not, the Chair will entertain a
 16 motion.
 17 COMMISSIONER KUNASEK: Chair, I would move that
 18 the legislative district maps as explained in Exhibit C,
 19 D, and E from Mr. Becker's report be included in the
 20 next Clean Elections Candidate's Statement Pamphlet.
 21 CHAIRPERSON BUSCHING: Okay. Is there a
 22 second?
 23 COMMISSIONER JOLLEY: I'll second that.
 24 CHAIRPERSON BUSCHING: It's been moved by
 25 Commissioner Kunasek and seconded by Commissioner Jolley

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1 We had a scale of between one and five, with
 2 five being the highest, the average as you can see for
 3 the questions is about 4.3, 4.4, so that's fairly --
 4 fairly good for us. We definitely want to work and make
 5 sure we have all fives for the general election debates.
 6 We did fairly well and got a lot of information out to
 7 people.
 8 When asked where they received the majority of
 9 their information about the debates, as you can see 47
 10 percent said some type of newspaper. So that's a good
 11 sign. We spent quite a bit of time and energy into
 12 getting ads into not only in the major newspapers but
 13 the local community newspapers and we encourage our
 14 sponsors to do to same. So we're very happy about that.
 15 A few individuals that have called and were in
 16 attendance requested some changes to be made to the
 17 debates. As you can see, three of the major ones that
 18 were requested were: Allow the candidates to question
 19 each other; allow for follow-up questions to be asked by
 20 the monitors; and to increase the debate length which
 21 kind of surprised me, but that's okay.
 22 And another issue that has popped up is in
 23 regards to the debates being shown on our Website. The
 24 majority of the population that have spoken to me and
 25 spoken to other staff members, they thoroughly enjoy

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1 that the maps be included in the general election
 2 pamphlet as well as the other changes that Mr. Becker
 3 has indicated. Any further discussion?
 4 If not, the Chair will call for the question,
 5 all in favor say, "aye."
 6 (Chorus of ayes.)
 7 CHAIRPERSON BUSCHING: Opposed, nay?
 8 Chair votes aye. Motion carries.
 9 Item VIII, consideration and possible action on
 10 public responses and audio/videotaping of primary and
 11 general election candidate debates.
 12 Mr. Becker?
 13 MR. BECKER: Madame Chair, Commissioners,
 14 before you in the memo is just an overview of what
 15 information we received from individuals that attended
 16 the debates, which turned out very well. We had a
 17 turnout -- a low turnout of about nine at one district
 18 debate and a high of little over 70 at another. So the
 19 attendance ranges all over the place. But, for the most
 20 part, we did very, very well from my understanding of
 21 talking to staff from previous debates.
 22 As you can see, it's fairly straightforward.
 23 The primary debates went very well. The people that did
 24 attend seemed to enjoy them. They seemed to get a lot
 25 of information out of it.

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1 having the debates on the Website and being able to go
 2 and see them at their leisure.
 3 One issue that has crept up recently is the
 4 idea of maybe possibly having close-ups of the
 5 candidates as they speak. I've spoken to Scott Wallin
 6 at ASU. He is moving forward to have those close-ups
 7 done during the general election debates. And so we're
 8 moving forward to have that taken care of.
 9 The difficulty was, for several of the debates
 10 we had quite a large number of candidates, eight and
 11 nine at different times. And so the thought was we
 12 wanted to make sure we have everybody in the same --
 13 same amount of time and on camera. Well, for the
 14 general election debates, we've -- it's going to be
 15 parred down quite a bit, possibly two, three, four,
 16 which gives us more time and more opportunity to focus
 17 in on the individuals that are speaking. So we're
 18 moving forward on that.
 19 Also wanted to let all the Commissioners know
 20 that we do have the majority of the debates for the
 21 general election set, dates, times, locations. There
 22 are a handful, maybe three or four, that aren't --
 23 aren't nailed down at this point, but we're getting that
 24 up at on the Website as we speak. And so everybody
 25 should be ready to go and have a good time for general

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1 election debates when they start September 19th.

2 And I'll be happy to answer any
3 questions.

4 COMMISSIONER KUNASEK: Mr. Becker, with regard
5 to the debate schedule for the general election, would
6 it be possible to include those dates and locations in
7 the -- in the pamphlet that you're preparing?

8 MR. BECKER: Commissioner Kunasek, we certainly
9 can try. Like I said, there's a -- there's a handful
10 that are still not nailed down. And as we get closer
11 and closer to crunch time to get everything into the
12 pamphlet, I don't want to guarantee you that it will
13 happen and still not have the debates nailed down and
14 have some of the places missing. So, we'll do
15 everything we can to get the information in, but I
16 cannot give you a guarantee on that.

17 COMMISSIONER KUNASEK: All right. Thank you.

18 CHAIRPERSON BUSCHING: Other questions or
19 comments from Mr. Becker?

20 Commissioner Jolley?

21 COMMISSIONER JOLLEY: Yes, I just have a
22 comment on the audio/videotaping of the debates. I
23 think it's really important, especially when you're
24 outside of Maricopa County -- I mean, we have what is
25 Legislative District 3 up in Fredonia, up in Mojave

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1 County, and all the way down to Parker -- and because we
2 have lack of public transportation for some of our
3 residents, I think it's really important to at least
4 have access through the Website.

5 COMMISSIONER SCARAMAZZO: And Page is included
6 in that.

7 COMMISSIONER JOLLEY: Sorry. Page.

8 COMMISSIONER SCARAMAZZO: Extend it a little
9 further up there.

10 COMMISSIONER JOLLEY: Yeah. Sorry. My
11 apologies.

12 CHAIRPERSON BUSCHING: Any other questions of
13 Mr. Becker?

14 Is there anyone from the public that wishes to
15 speak to this matter?

16 Sir?

17 MR. EHST: Commissioners, I'm Eric Ehst of the
18 Clean Elections Institute again. I would like to say
19 that I attended a number of the debates and I've watched
20 portions of several of the others on the Website video,
21 and I'd like to congratulate the Commission and the
22 staff. I applaud your efforts. The debates were --
23 were well organized and well run, and everyone who
24 attended seemed to be getting something worthwhile out
25 of them. So I think they've done a great job.

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1 There is still some confusion out there among
2 voters and even among candidates as to -- particularly
3 the primary debates -- as to who gets to be in the
4 debate and who doesn't. I've talked to a number of
5 voters and even some candidates who were confused as to
6 why either they or their candidate was not engaged in a
7 debate.

8 I would suggest that maybe the Commission could
9 inform all of the registered candidates, even the ones
10 who are not -- not going to be in a debate, why they
11 were not going to be in a debate just so there's no
12 confusion.

13 And make sure that the sponsors of the debates
14 are aware of the rules of the debates that they're
15 sponsoring. I know, for example, in the District 7
16 debate, the Cave Creek/Carefree Chamber of Commerce, I
17 believe, was a sponsor of that and they put an ad in the
18 newspaper and I heard from a Democrat who called and
19 said why wasn't the Democrats in the debate? And
20 whoever answered the phone in the Chamber of Commerce
21 said: Because there aren't any Democratic candidates.

22 So there's as I said, there's some confusion
23 among the public. I know it's very hard to get the word
24 out to everybody, but -- but I would just encourage that
25 a greater effort be made. Thank you.

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1 CHAIRPERSON BUSCHING: Thank you.

2 MR. EHST: And, again, I would like to
3 congratulate you on the effort that was done. It really
4 -- it really was a tremendous effort.

5 CHAIRPERSON BUSCHING: Thank you. Any other
6 members of the public wish to speak to this matter?

7 I too want to congratulate staff and KAET TV
8 for videotaping the debates. I attended one of debates
9 and have watched a couple of them on the Website, and
10 I'm very pleased with how that's gone. And it was very
11 clear and understandable listening on the Website and
12 watching.

13 I've talked sidebar with Mr. Lang about
14 possibly if they're going to show all the candidates,
15 even moving in closer, there's some times where they
16 show much more than just the candidates, and it would
17 help to be able to see facial expressions and everything
18 if they moved in closer, even if they're going to show
19 all of the candidates.

20 I have mixed feelings about just showing one
21 candidate while they're speaking. I heard that argument
22 that that's what we ought to do, we ought to zero in on
23 one candidate. But now having watched some of the
24 debates on the Website, I find that it is interesting
25 also to see the other candidates' responses to that

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1 candidate's comments. So, sometimes it is better to be
 2 showing all the candidates at once rather than just
 3 focusing in on the candidate that's speaking. So I
 4 don't think there's any easy answer to that issue.
 5 One of the other things striving for -- always
 6 striving for more improvement -- that we might do, as an
 7 aspirational matter, and I don't know whether it's
 8 possible or not, but I thought that if we could have on
 9 the Website as well each of the questions that was asked
 10 of the candidates and the time on the video that those
 11 questions were asked. It would help people that were
 12 watching the debates focus in on the individual
 13 questions that they were most particularly interested
 14 in.
 15 I listened to and watched a debate where
 16 essentially the same question was asked three different
 17 times in three different ways. After hearing the answer
 18 the first time, it wasn't all that interesting to me to
 19 hear it the second time and the third time. But later
 20 on in the debate, there was a question asked that I was
 21 very interested in and I found myself sort of not really
 22 focussing and having to go back and hear it again
 23 because I did want to hear the answers.
 24 So, if the questions could be listed so people
 25 could focus in on the individual questions and then what

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1 CHAIRPERSON BUSCHING: And a second?
 2 COMMISSIONER SCARAMAZZO: Second.
 3 CHAIRPERSON BUSCHING: It's been moved by
 4 Commissioner Jolley and seconded by Commissioner
 5 Scaramazzo that we adjourn.
 6 All in favor say, "aye."
 7 (Chorus of ayes.)
 8 CHAIRPERSON BUSCHING: Opposed, nay?
 9 Chair votes aye. Motion carries.
 10 This meeting is adjourned.
 11
 12 (Whereupon the preceeding concludes at 10:38
 13 a.m.)

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1 the answers were at the time on the video, it would be
 2 helpful. Whether that's possible or not, I don't know.
 3 But always striving for better and greater improvement.
 4 MR. BECKER: Madame Chair, I don't know if
 5 that's possible or not either, but we'll definitely look
 6 into it.
 7 CHAIRPERSON BUSCHING: Any other questions or
 8 comments?
 9 Do you need a motion on anything, Mr.
 10 Becker?
 11 MR. BECKER: No, not on this.
 12 CHAIRPERSON BUSCHING: Okay. All right. Thank
 13 you.
 14 We'll move on to Item IX, call for public
 15 comment. This is the time for consideration and
 16 discussion of comments and complaints from the public.
 17 Action taken as a result of public comment will be
 18 limited to directing staff to study the matter or
 19 rescheduling the matter for further consideration and
 20 decision at a later date or responding to criticism.
 21 Is there anyone from the public that wishes to
 22 speak?
 23 If not, we'll move to Item X, adjournment. Is
 24 there a motion?
 25 COMMISSIONER JOLLEY: I'll make that motion.

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1 C E R T I F I C A T E
 2
 3 I, Angela Furniss Miller, Certified Reporter,
 4 do hereby certify that the foregoing pages numbered 1
 5 through 52, inclusive, constitute a full and accurate
 6 printed record of my stenographic notes taken at said
 7 time and place, all done to the best of my skill and
 8 ability.
 9 DATED, at Phoenix, this 15th day of August,
 10 2006.
 11
 12
 13
 14 Angela Furniss Miller, RPR
 15 Certified Reporter (AZ50127)
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